

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

-against-

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

-against-

SRIONE, LLC, an Idaho limited liability company;
DANCING \$ LLC, a Montana limited liability
company; and ERIC WALDMAN,

Defendants.

Adv. Pro. No. 10-5380 (SMB)

DISCOVERY ARBITRATOR'S SECOND DISCOVERY ORDER

Following the hearing on June 21, 2018, the Trustee has raised further objections concerning the Defendants' discovery responses and disclosures by email dated July 11, 2018. The Defendants' counsel, Philip H. Stillman, Esq., responded to that email by letter dated July 16, 2018. Having reviewed both submissions, the discovery arbitrator further orders as follows:

1. The Defendants are correct that Rule 26(a)(1) of the Federal Rules of Civil Procedure does not require a party to disclose witnesses whom it does not intend to use to support a claim or defense. Accordingly, the Defendants need not disclose Peter Kahn. See Fed. R. Civ. P. 26(a)(1)(A), (B), advisory committee's notes to 2000 amendment.
2. If they have not already done so, the Defendants shall attempt to confer with Peter Khan, Richard Glantz, and Connie Delaney concerning their discovery responses and document production. Any necessary supplementation shall be accomplished by August 13, 2018. Any formation and dissolution documents not previously produced shall also be furnished by that date.
3. The request that defendant Waldman be deposed in New York, rather than Miami, is denied.
4. If the Defendants wish to have Mr. Stillman participate further in this proceeding, he must file a pro hac vice application pursuant to Local Bankruptcy Rule 2090-1 by August 13, 2018.

SO ORDERED.

Dated: New York, New York
July 27, 2018



FRANK MAAS
Discovery Arbitrator

Copies to Counsel via ECF